UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/368,433	FLAVIN, ROBERT ALAN
	Examiner	Art Unit	
	Son P. Huynh	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 August 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-30 have been considered but are

moot in view of the new ground(s) of rejection.

Claims 31-36 have been canceled.

Double Patenting

2.   Claims 1, 5-6, 11-13 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1, 3-7 of U.S.

Patent No. 6,005,603 (hereinafter referred to as '603), and in view of Kwoh (US

6,115,057) and Ming et al. (US 5,710,815).

Regarding claim 1, claim 1 of '603 recites a segment announcement receiver

comprising: a receiver section for receiving a signal; one or more announcements

carried on the signal, the announcement containing:

a description about one or more of the content streams;

a time at which the content stream is received on the carrier signal, and

a content stream identifier, the one or more announcements being selectively added to

the signal by a party other than a broadcaster of the stream; and

a controller that performs a function determined by the description and the time.

Inherently, the announcement is not received via the broadcaster (added to signal by a

party other than the broadcaster of the signal). It is obvious that the one or more

announcements correspond to a content being provided on the one or more content

stream in order to provide information of the content stream. However, claim 1 of '603

does not recites a controller that compares the one or more announcements to a filter

record and that alters a presentation when the comparison of the one or more

announcement to the filter record indicates a correspondence between the one or more

announcements and the at least one user preference for altering the presentation in the

filter record, wherein altering the presentation comprises one of switching a sound

device of a presentation device to an ON state, switching the sound device of the

presentation device to an OFF state, switching a display apparatus of the presentation

device to an ON state, ...

Kwoh discloses a system comprises parental control device 40. Authorized user

such as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record, wherein altering the presentation comprises one of switching a sound device of a presentation device to an ON state, switching the sound device of ... to an OFF state, switching... (e.g. switching the device to OFF state when receive unacceptable data, switching back to ON state after unacceptable data segment –figures 2-3, 12-13, 15-16, 18, 23-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 1 of '603 to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children. However, neither claim 1 of '603 nor Kwok specifically discloses the announcements comprises one of authentication and encryption data for verifying the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification authorization, basic category authorization, extended category authorization, etc.) comprises one of authorization and encryption data for verifying the source of the at least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line 15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify claim 1 of '603 in view of Kwok to use the teaching as taught by Ming in order to

restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to

reduce the likelihood that unauthorized viewer will be able to view associated television

program (col. 14, lines 1-5) thereby improve security in data transmission.

Regarding claim 2, the patent claim 1 recites "the announcement containing a

description about one or more of the content stream," – lines 5-6. Thus, the description

includes a content description.

Instant claim 3 requires "the segment announcement section receiver comprises any

one or more of the following: a television, a radio, a closed section television, a video

recorder, and a computer." The patent claim 1 recites, "a receiver section for receiving a

signal;" It is noted that the patent claim is broader in scope than the instant claim. Thus,

it would have been obvious to one of ordinary skill in the art to modify the patent claim

to be more specific in order to obtain the instant claim 3.

As to claim 4 requires "said presentation is by any one or more of the following: a

television, a radio, a closed circuit television, a video recorder, and a computer." The

patent claim 1 recites, "a receiver section for receiving a signal;" It is noted that the

patent claim is broader in scope than the instant claim. Thus, it would have been

obvious to one of ordinary skill in the art to modify the patent claim to be more specific

in order to obtain the instant claim 4.

Instant claim 14 requires a presenting section for presenting said content stream,

wherein said controller controls said presenting section to alter said presentation."

The patent claim 1 recites, "a receiver section for receiving a signal....a controller that

performs a function determined by the description and the time" (lines 2-13). It is noted

that the patent claim is broader in scope than the instant claim. Thus, it would have

been obvious to one of ordinary skill in the art to modify the patent claim to be more

specific in order to obtain the instant claim 14.

With respect to claim 18, 24-30, the patent claim recites "...said one or more

announcements being selectively added to said signal by any of a broadcaster of said

signal and a party other than said broadcaster..." (patent claim 1, lines 8-11).

The instant claims 18, 24-30 require that the announcement be provided by a first

communication connection that is separate from a second communication connection."

It is noted that patent claim is broader then the instant claim. Thus, it would have been

obvious to one or ordinary skill in the art to modify Patent claim to be more specific in

order to obtain the instant claims 18,24-30.

Allowance of claims 1-4, 14, 18, 24-30 would result in an un-warranted timewise

extension of the monopoly granted for the invention as defined in claim 1 of patent

number 6,005,603. Therefore, the double patenting rejection is justified.

Regarding claim 5, claim 3 of '603 recites a segment announcement receiver

comprising:

a first receiver section for receiving one or more content streams on a content carrier

signal;

a second receiver section for receiving one or more announcements, each of the

announcements containing a description about one or more content streams, a time at

which the content stream is received by the first receiver section, and a content stream

identifier, and

a controller that performs a function in a signal processing device determined by the

description and the time, wherein one or more announcements being selectively added

to the signal by a party other than a broadcaster of the stream. Inherently, the

announcement is not received via the broadcaster (added to signal by a party other than

the broadcaster of the signal). It is obvious that the one or more announcements

correspond to a content being provided on the one or more content stream in order to

provide information of the content stream. However, claim 3 of '603 does not recites a

controller that compares the one or more announcements to a filter record and that

alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record wherein

altering the presentation comprises one of switching a sound device of a presentation

device to an ON state, switching the sound device of the presentation device to an OFF

state, switching a display apparatus of the presentation device to an ON state, ...

Kwoh discloses a system comprises parental control device 40. Authorized user

such as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record, wherein altering the presentation comprises

one of switching a sound device of a presentation device to an ON state, switching the

sound device of ... to an OFF state, switching... (e.g. switching the device to OFF state

when receive unacceptable data, switching back to ON state after unacceptable data

segment –figures 2-3, 12-13, 15-16, 18, 23-29).. Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify claim 3 or

'603 to use the teaching as taught by Kwoh in order to allow parent to control data

displayed to children. However, neither claim 3 of '603 nor Kwok specifically discloses

the announcements comprises one of authentication and encryption data for verifying

the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify claim 3 of '603 in view of Kwok to use the teaching as taught by Ming in order to

restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to

reduce the likelihood that unauthorized viewer will be able to view associated television

program (col. 14, lines 1-5) thereby improve security in data transmission.

Instant claim 15 requires a presenting section for presenting said content stream,

wherein said controller controls said presenting section to alter said presentation."

The patent claim 3 recites, "a first receiver section for receiving one or more content

streams on a content carrier signal....a controller that performs a function in signal

processing device determined by the description and the time" (lines 2-13). It is noted

that the patent claim is broader in scope than the instant claim. Thus, it would have

been obvious to one of ordinary skill in the art to modify the patent claim to be more

specific in order to obtain the instant claim 15.

With respect to claim 19, the patent claim 3 recites "a first receiver section for receiving

one or more content stream...; a second receiver section for receiving one or more

announcement...said one or more announcements being selectively added to said

signal by any of a broadcaster of said signal and a party other than said broadcaster..."

(patent claim 3, lines 2-17). Thus, it would have been obvious to one or ordinary skill in

the art to modify Patent claim to be more specific in order to obtain the instant claims

19.

Allowance of claims 5,15,19 would result in an un-warranted timewise extension of the

monopoly granted for the invention as defined in claim 3 of patent number 6,005,603.

Therefore, the double patenting rejection is justified.

Regarding claim 6, claim 4 of '603 recites a segment announcement system comprising:

an analyzer that analyzes a content of one or more content streams;

an announcement generator that creates one or more announcements containing a

description about one or more of the content streams; and

a transmitter section that sends the announcement to one or more receivers, the one or

more announcements being selectively added to the signal by a party other than a

broadcaster of the content streams. Inherently, the announcement is not received via

the broadcaster (added to signal by a party other than the broadcaster of the signal). It

is obvious that the receivers comprises a controller that alters a presentation of the one

or more content streams in accordance with the description and the time from a

corresponding announcement in order to change the presentation in accordance with

the description and time created by the party. However, claim 4 of '603 does not recites

a controller that compares the one or more announcements to a filter record and that

alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record, wherein

altering the presentation comprises one of switching a sound device of a presentation

device to an ON state, switching the sound device of ... to an OFF state, switching....

Kwoh discloses a system comprises parental control device 40. Authorized user

such as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record, wherein altering the presentation comprises

one of switching a sound device of a presentation device to an ON state, switching the

sound device of ... to an OFF state, switching... (e.g. switching the device to OFF state when receive unacceptable data, switching back to ON state after unacceptable data segment –figures 2-3, 12-13, 15-16, 18, 23-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 4 of '603 to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children. However, neither claim 4 of '603 nor Kwok specifically discloses the announcements comprises one of authentication and encryption data for verifying the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification authorization, basic category authorization, extended category authorization, etc.) comprises one of authorization and encryption data for verifying the source of the at least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line 15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 4 of '603 in view of Kwok to use the teaching as taught by Ming in order to restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to reduce the likelihood that unauthorized viewer will be able to view associated television program (col. 14, lines 1-5) thereby improve security in data transmission.

Instant claim 7 requires "the analyzer comprises one or more of the following: a person, a group of people, and an electronic signal processor;" the patent claim 4 recites an "analyzer that analyzes a content of one or more content stream;" lines 2-3. It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 7.

Instant claim 8 requires "electronic signal processor includes any or more of the following: a brightness detection device, and video image process that queries by image content;" the patent claim 4 recites an "analyzer that analyzes a content of one or more content stream;" lines 2-3. It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 8.

Instant claim 9 requires "the announcement comprises time associated with the content". The patent claim 4 recites an "the announcement comprises description about one or more of the content streams" –lines 4-6). It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 9.

Instant claim 10 requires "the announcement comprises a content identifier;" the patent

claim 4 recites an "the announcement comprises description about one or more of the

content streams" –lines 4-6). It is noted that the patent claim is broader in scope than

the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to

modify the patent claim to be more specific in order to obtain the instant claim 10.

Instant claim 16 requires a presenting section for presenting said content stream,

wherein said controller controls said presenting section to alter said presentation."

The patent claim 4 recites sending announcement that contain description to one or

more receivers (lines 4-11). It is noted that the patent claim is broader in scope than the

instant claim. Thus, it would have been obvious to one of ordinary skill in the art to

modify the patent claim to be more specific in order to obtain the instant claim 16.

With respect to claim 20, the patent claim 4 recites "...said one or more announcements

being selectively added to said signal by any of a broadcaster of said signal and a party

other than said broadcaster..." (patent claim 4, lines 8-11). Thus, it would have been

obvious to one or ordinary skill in the art to modify Patent claim to be more specific in

order to obtain the instant claims 20.

Allowance of claims 6-10, 16, 20 would result in an un-warranted timewise extension of

the monopoly granted for the invention as defined in claim 4 of patent number

6,005,603. Therefore, the double patenting rejection is justified.

Regarding claim 11, claim 5 of '603 recites a closed circuit transmission system

comprising:

one or more segment announcer system comprising:

an analyzer that analyzes a content of one or more content streams;

an announcement generator that creates one or more announcements containing

description about one or more of the content streams and a time associated with the

content stream;

a transmitter section that sends the announcement over a communication network; and

one or more segment announcement receivers comprising:

a receiver section for receiving the announcement and the content stream;

a controller that performs a function determined by the description and the time.

Inherently, the announcement is not received via the broadcaster (added in the signal

by a party other than the broadcaster of the signal). However, claim 5 of '603 does not

recites a controller that compares the one or more announcements to a filter record and

that alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record, wherein

altering the presentation comprises one of switching a sound device of a presentation

device to an ON state, switching the sound device of ... to an OFF state, switching....

Kwoh discloses a system comprises parental control device 40. Authorized user

such as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record, wherein altering the presentation comprises

one of switching a sound device of a presentation device to an ON state, switching the

sound device of ... to an OFF state, switching... (e.g. switching the device to OFF state

when receive unacceptable data, switching back to ON state after unacceptable data

segment –figures 2-3, 12-13, 15-16, 18, 23-29). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify claim 5 of

'603 to use the teaching as taught by Kwoh in order to allow parent to control data

displayed to children. However, neither claim 5 of '603 nor Kwok specifically discloses

the announcements comprises one of authentication and encryption data for verifying

the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify claim 5 of '603 in view of Kwok to use the teaching as taught by Ming in order to

restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to

reduce the likelihood that unauthorized viewer will be able to view associated television

program (col. 14, lines 1-5) thereby improve security in data transmission.

Instant claim 17 requires a presenting section for presenting said content stream,

wherein said controller controls said presenting section to alter said presentation."

The patent claim 5 recites, "... a receiver section for receiving a signal....a controller that

performs a function determined by the description and the time" (lines 11-24). It is noted

that the patent claim is broader in scope than the instant claim. Thus, it would have

been obvious to one of ordinary skill in the art to modify the patent claim to be more

specific in order to obtain the instant claim 17.

With respect to claim 21, the patent claim 5 recites ""... a receiver section for receiving a

signal....a controller that performs a function determined by the description and the

time....said one or more announcements being selectively added to said signal by any

of a broadcaster of said signal and a party other than said broadcaster..." (patent claim

5, lines 11-27). Thus, it would have been obvious to one or ordinary skill in the art to

modify Patent claim to be more specific in order to obtain the instant claims 21.

Allowance of claims 11,17,21 would result in an un-warranted timewise extension of the

monopoly granted for the invention as defined in claim 5 of patent number 6,005,603.

Therefore, the double patenting rejection is justified.

Regarding claim 12, claim 6 of '603 recites a process comprising:

receiving one or more content streams,

receiving one or more announcements having one or more description about the

content of one or more of the content stream, the one or more announcements being

selectively added to a content stream by a party other than a broadcaster of the content

stream;

matching one or more of the descriptions to one or more of the content streams; and

performing a function during the processing of one of the content streams if the content

stream being processed matches one or more of the descriptions. Inherently, the

announcement is not received via the broadcaster (added to signal by a party other than

the broadcaster of the signal). However, claim 6 of '603 does not recites a controller that

compares the one or more announcements to a filter record and that alters a

presentation when the comparison of the one or more announcement to the filter record

indicates a correspondence between the one or more announcements and the at least

one user preference for altering the presentation in the filter record, wherein altering the

presentation comprises one of switching a sound device of a presentation device to an

ON state, switching the sound device of ... to an OFF state, switching...

Kwoh discloses a system comprises parental control device 40. Authorized user

such as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record, wherein altering the presentation comprises

one of switching a sound device of a presentation device to an ON state, switching the

sound device of ... to an OFF state, switching... (e.g. switching the device to OFF state

when receive unacceptable data, switching back to ON state after unacceptable data

segment –figures 2-3, 12-13, 15-16, 18, 23-29). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify claim 6 or

'603 to use the teaching as taught by Kwoh in order to allow parent to control data

displayed to children. However, neither claim 6 of '603 nor Kwok specifically discloses

the announcements comprises one of authentication and encryption data for verifying

the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify claim 6 of '603 in view of Kwok to use the teaching as taught by Ming in order to

restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to

reduce the likelihood that unauthorized viewer will be able to view associated television

program (col. 14, lines 1-5) thereby improve security in data transmission.

With respect to claim 22, the patent claim 6 recites ""... receiving one or more

streams........said one or more announcements being selectively added to said signal by

any of a broadcaster of said signal and a party other than said broadcaster..." (patent

claim 6, lines 2-9). Thus, it would have been obvious to one or ordinary skill in the art to

modify Patent claim to be more specific in order to obtain the instant claims 21.

Allowance of claims 12,22 would result in an un-warranted timewise extension of the

monopoly granted for the invention as defined in claim 6 of patent number 6,005,603.

Therefore, the double patenting rejection is justified.

Regarding claim 13, claim 7 of '603 recites a segment announcement receiver

comprising:

means for receiving one or more announcement having one or more descriptions about

the content of one or more of the content streams, the one or more announcements

being selectively added to a content stream by a party other than a broadcaster of the

content stream;

means for receiving one or more content streams;

means for matching the description of the content; and

means for performing a function during the processing of one of the content streams if

the content stream being processed matches one or more of the description. Inherently,

the announcement is not received via the broadcaster (added to signal by a party other

than the broadcaster of the signal). However, claim 7 of '603 does not recites a

controller that compares the one or more announcements to a filter record and that

alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record, wherein

altering the presentation comprises one of switching a sound device of a presentation

device to an ON state, switching the sound device of ... to an OFF state, switching...

Kwoh discloses a system comprises parental control device 40. Authorized user

such as parent can enter rating level, programs identifier, channels, time, length, etc. of

program to be blocked. The entered information is stored in RAM 84 in command

controller 36 of parental control device 40. Program video signals and announcements

(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the

comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line

65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or

more announcements (data packets, rating level, etc.) to a filter record (data stored in

RAM 84) and that alters a presentation (block unacceptable data) when the comparison

of the one or more announcement to the filter record indicates a correspondence

between the one or more announcements and the at least one user preference for

altering the presentation in the filter record, wherein altering the presentation comprises

one of switching a sound device of a presentation device to an ON state, switching the

sound device of ... to an OFF state, switching... (e.g. switching the device to OFF state

when receive unacceptable data, switching back to ON state after unacceptable data

segment –figures 2-3, 12-13, 15-16, 18, 23-29). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify claim 7 of

'603 to use the teaching as taught by Kwoh in order to allow parent to control data

displayed to children. However, neither claim 7 of '603 nor Kwok specifically discloses

the announcements comprises one of authentication and encryption data for verifying

the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify claim 7 of '603 in view of Kwok to use the teaching as taught by Ming in order to

restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to

reduce the likelihood that unauthorized viewer will be able to view associated television

program (col. 14, lines 1-5) thereby improve security in data transmission.

With respect to claim 23, the patent claim 6 recites ""...means for receiving one or more

streams........said one or more announcements being selectively added to said signal by

any of a broadcaster of said signal and a party other than said broadcaster..." (patent

claim 7, lines 2-9). Thus, it would have been obvious to one or ordinary skill in the art to

modify Patent claim to be more specific in order to obtain the instant claims 23.

Allowance of claims 13,23 would result in an un-warranted timewise extension of the

monopoly granted for the invention as defined in claim 7 of patent number 6,005,603.

Therefore, the double patenting rejection is justified.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-7, 9-26 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable

over Logan et al. (US 5,892,536) in view of Ming et al. (US 5,710,815).

Regarding claim 1, Logan discloses a segment announcement receiver (figures 1-5)

comprising:

        a receiver section (12-22,28-38,60-66 – figure 3) that receives one or more

announcement (marking signals), wherein each of the one or more announcements

corresponds to a content being provided on one or more content streams (col. 7, lines

55-64; col. 8, lines 38-59; col. 9, lines 18-34).

"a description about said corresponding content in said one or more of the content

streams: reads on Logan's type of content to be edited such as commercial, content

topic, etc. (col. 7, lines 1-64);

"a time at with said corresponding content is transmitted on said signal," reads on the

time stamp that includes a start time, stop time of the marking signal (announcement)

that describes the beginning, end of the portion of broadcast program for editing (col. 7,

lines 1-64); and

"content identifier" reads on the tope code, priority code so the system could identify

segment of the broadcast program signal (col. 9, lines 15-34).

        Logan further discloses each of the one or more announcements (marking

signals) was created by a party (monitor 44, editing station 42, time stamp 48 – figure 3)

other than a broadcaster of the one or more content streams (broadcaster broadcasts

content streams to antenna 14 – figure 3, col. 5, lines 15-45); and

        Logan further discloses a controller (processor 34, database 60, segment

processor 62, segment filter 64 – figure 3) that compares the one or more

announcements to a filter record (compares marking signals with the topic data signals

in database 60) and that alters a presentation of the content stream in accordance with

at least one user preference (i.e., topic data signals selected by user) for altering the

presentation when the comparison of the one or more announcements to the filter

record indicates a corresponding between the one or more announcements and the at

least one user preference for altering the presentation in the filter record (col. 8, line 1-

col. 10, line 3), wherein the one or more announcements are not received via the

broadcaster (the marking signals is provided via transmitter 40, which is not received via the broadcaster that broadcast the content streams to receiver 12 – figure 3).

Logan further discloses alternating the presentation of broadcast signals such as presenting the broadcast signal without accompanying audio track (col. 2, lines 39-55). Thus, it is inherently that the sound device of the presentation is switched to an OFF state so that the broadcast signal is presented without accompanying audio track. However, Logan does not specifically disclose the announcements comprises one of authentication and encryption data for verifying the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification authorization, basic category authorization, extended category authorization, etc.) comprises one of authorization and encryption data for verifying the source of the at least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line 15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Ming in order to restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to reduce the likelihood that unauthorized viewer will be able to view associated television program (col. 14, lines 1-5) thereby improve security in data transmission.

Regarding claim 2, Logan further discloses the description includes a category (topic

code), a rating (priority codes), a segment type, etc. (col. 7, lines 55-64; col. 8, line 1-

col. 10, line 3).

Regarding claim 3, Logan further discloses the segment announcement receiver further

comprises a television (video monitor 32), a video recorder (memory system 18) - figure

3; col. 8, line 60-col. 9, line 25.

Regarding claim 4, Logan further discloses the presentation is a television (video

monitor 32), a video recorder (memory system 18) – figure 3, col. 8, line 60-col. 9, line

25.

Regarding claim 5, Logan discloses a segment announcement receiver (figures 1-5)

comprising:

a first receiver section (12,16,18,28) that receives one or more content streams

(broadcast programming signal) on a content carrier signal (figure 3, col. 5, lines 15-55);

a second receiver section (38) that receives one or more announcements

(marking signals), the one or more announcements created by a party (editing station

42) other than a broadcaster of the one or more content streams (broadcaster of

television programming signal received by receiver 12) – figure 3, col. 6, line 46-col. 7,

line 64). "a description about said corresponding content in said one or more of the

content streams: reads on Logan's type of content to be edited such as commercial,

content topic, etc. (col. 7, lines 1-64);

"a time at with said corresponding content is transmitted on said signal," reads on the

time stamp that includes a start time, stop time of the marking signal (announcement)

that describes the beginning, end of the portion of broadcast program for editing (col. 7,

lines 1-64); and

"content identifier" reads on the tope code, priority code so the system could identify

segment of the broadcast program signal (col. 9, lines 15-34).

Logan further discloses each of the one or more announcements (marking signals) was

created by a party (monitor 44, editing station 42, time stamp 48 – figure 3) other than a

broadcaster of the one or more content streams (broadcaster broadcasts content

streams to antenna 14 – figure 3, col. 5, lines 15-45); and

Logan further discloses a controller (processor 34, database 60, segment

processor 62, segment filter 64 – figure 3) that compares the one or more

announcements to a filter record (compares marking signals with the topic data signals

in database 60) and that alters a presentation of the content stream in accordance with

at least one user preference (i.e., topic data signals selected by user) for altering the

presentation when the comparison of the one or more announcements to the filter

record indicates a corresponding between the one or more announcements and the at

least one user preference for altering the presentation in the filter record (col. 8, line 1-

col. 10, line 3), wherein the one or more announcements are not received via the

broadcaster (the marking signals is provided via transmitter 40, which is not received via the broadcaster that broadcast the content streams to receiver 12 – figure 3).

Logan further discloses alternating the presentation of broadcast signals such as presenting the broadcast signal without accompanying audio track (col. 2, lines 39-55). Thus, it is inherently that the sound device of the presentation is switched to an OFF state so that the broadcast signal is presented without accompanying audio track. However, Logan does not specifically disclose the announcements comprises one of authentication and encryption data for verifying the source of the at least one announcement.

Ming discloses the announcements (e.g., access authorization, classification authorization, basic category authorization, extended category authorization, etc.) comprises one of authorization and encryption data for verifying the source of the at least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line 15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Ming in order to restrict subscriber access to the television programming (col. 1, line 63-col. 2, line 5), to reduce the likelihood that unauthorized viewer will be able to view associated television program (col. 14, lines 1-5) thereby improve security in data transmission.

Regarding claim 6, Logan discloses a segment announcement system (40,42,44,48 –

figures 1-5) comprising:

an analyzer (col. 6, line 52-col. 7, line 64) that analyses a content of one or more

content streams;

an announcement generator (editing station 42 – col. 7, lines 1-64) that creates

an announcement (marking signals) containing a description about the content of one or

more of the content streams;

a transmitter section (40-figure 3, col. 7, lines 25-37) that sends the

announcement to one or more receivers, the announcement being provided by a party

(editing station 42) other than a broadcaster of the one or more content streams

(broadcaster that broadcasts television programming signal to receiver 12 – figure 3),

wherein each of the receiver comprises:

a controller (processor 34, database 60, segment processor 62, segment filter 64

– figure 3) that compares the one or more announcements to a filter record (compares

marking signals with the topic data signals in database 60) and that alters a

presentation of the content stream in accordance with at least one user preference (i.e.,

topic data signals selected by user) for altering the presentation when the comparison of

the one or more announcements to the filter record indicates a corresponding between

the one or more announcements and the at least one user preference for altering the

presentation in the filter record (col. 8, line 1-col. 10, line 3), wherein the one or more

announcements are not transmitted to the receiver via the broadcaster (the marking

signals is provided via transmitter 40, which is not transmitted to the receiver via the

broadcaster that broadcast the content streams to receiver 12 – figure 3).

Logan further discloses alternating the presentation of broadcast signals

such as presenting the broadcast signal without accompanying audio track (col. 2, lines

39-55). Thus, it is inherently that the sound device of the presentation is switched to an

OFF state so that the broadcast signal is presented without accompanying audio track.

However, Logan does not specifically disclose the announcements comprises one of

authentication and encryption data for verifying the source of the at least one

announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Logan to use the teaching as taught by Ming in order to restrict subscriber

access to the television programming (col. 1, line 63-col. 2, line 5), to reduce the

likelihood that unauthorized viewer will be able to view associated television program

(col. 14, lines 1-5) thereby improve security in data transmission.

Regarding claim 7, Logan further discloses the analyzer comprises a person (operator

at the editing station –col. 6, line 52-col. 7, line 64).

Regarding claim 9, Logan further discloses the announcement (marking signal) further

comprises a time associated with the content (col. 7, lines 10-64).

Regarding claim 10, Logan further discloses the announcement (marking signal) further

comprises a content identifier (i.e., topic codes that identify segments of the broadcast

programming signal – col. 9, lines 15-34).

Regarding claim 11, the closed circuit transmission system is met by Logan's disclosure

as follow:

        a segment announcer is met by the editing station (40,42,44,48 – figure 3),

wherein:

        an analyzer and an announcement generator are met by the editing station

(figure 3, col. 6, line 52-col. 7, line 64);

        a transmitter section is met by communication system 40 (col. 7, lines 25-37);

        a segment announcement receiver is met by devices at the receiver (12-22,28-

34,38,60-66 -figure 3) wherein:

        a receiver section is met by local communication system 38;

a controller is met by processor 34, database 60, segment processor 62, segment filter

64 (figure 3; col. 8, line 1-col. 10, line 3), wherein the one or more announcements are

not sent to the receiver via the broadcaster (the marking signals is provided via

transmitter 40, which is not sent to the receiver via the broadcaster that broadcast the

content streams to receiver 12 – figure 3).

Logan further discloses alternating the presentation of broadcast signals

such as presenting the broadcast signal without accompanying audio track (col. 2, lines

39-55). Thus, it is inherently that the sound device of the presentation is switched to an

OFF state so that the broadcast signal is presented without accompanying audio track.

However, Logan does not specifically disclose the announcements comprises one of

authentication and encryption data for verifying the source of the at least one

announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Logan to use the teaching as taught by Ming in order to restrict subscriber

access to the television programming (col. 1, line 63-col. 2, line 5), to reduce the

likelihood that unauthorized viewer will be able to view associated television program

(col. 14, lines 1-5) thereby improve security in data transmission.

Regarding claim 12, Logan discloses a process comprising:

providing an announcement by a party other than a broadcaster of a content

stream (providing marking signal by editing station which is other than broadcaster that

broadcast television programming signal to receiver 12 – figure 3);

receiving the content stream (by receiver 12 – figure 3; col. 5, lines 20-30), the

announcement having a description about a content of the content stream (col. 7, lines

1-64);

matching the description to the content (i.e., comparing the topic data signals

stored in database 60 with the topic codes provided by the marking signal – col. 9, lines

25-35);

presenting the content in accordance with at least one user preference in a filter

record (user's selection stored in database memory 60-col. 9, lines 5-25) when a

comparison with the filter record indicates a correspondence between the filter record

and the description in the announcement (col. 8, line 1-col. 10, line 3), wherein the

announcement is not provided via the broadcaster (the marking signals is provided via

transmitter 40, which is not provided via the broadcaster that broadcast the content

streams to receiver 12 – figure 3).

Logan further discloses alternating the presentation of broadcast signals

such as presenting the broadcast signal without accompanying audio track (col. 2, lines

39-55). Thus, it is inherently that the sound device of the presentation is switched to an

OFF state so that the broadcast signal is presented without accompanying audio track.

However, Logan does not specifically disclose the announcements comprises one of

authentication and encryption data for verifying the source of the at least one

announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Logan to use the teaching as taught by Ming in order to restrict subscriber

access to the television programming (col. 1, line 63-col. 2, line 5), to reduce the

likelihood that unauthorized viewer will be able to view associated television program

(col. 14, lines 1-5) thereby improve security in data transmission.

Regarding claim 13, Logan discloses a segment announcement receiver comprising:

      means (IBM PC compatible computer workstation at editing station– col. 7, lines

1-37) for providing an announcement (marking signal) by a party (editing station) other

than a broadcaster of a content stream;

      means (video monitor or VCR or processor or receiver – figures 3-4) for receiving

said content stream, the announcement (marking signal) having a description about a

content of the content stream (col. 7, lines 1-64; col. 9, lines 5-25);

means (operator at the editing station) for matching the description to the content

(col. 6, line 52-col. 7, line 64);

means (video monitor 32 – figure 3) for presenting the content in accordance with

at least one user preference in a filter record (user's selection stored in database

memory 60-col. 9, lines 5-25) when a comparison with the filter record indicates a

correspondence between the filter record and the description in the announcement (col.

8, line 1-col. 10, line 3), wherein the announcement is not provided via the broadcaster

(the marking signals is provided via transmitter 40, which is not provided via the

broadcaster that broadcast the content streams to receiver 12 – figure 3).

Logan further discloses alternating the presentation of broadcast signals

such as presenting the broadcast signal without accompanying audio track (col. 2, lines

39-55). Thus, it is inherently that the sound device of the presentation is switched to an

OFF state so that the broadcast signal is presented without accompanying audio track.

However, Logan does not specifically disclose the announcements comprises one of

authentication and encryption data for verifying the source of the at least one

announcement.

Ming discloses the announcements (e.g., access authorization, classification

authorization, basic category authorization, extended category authorization, etc.)

comprises one of authorization and encryption data for verifying the source of the at

least one announcement (see including, but are not limited to, col. 5, line 65-col. 6, line

15, col. 7, lines 3-67, col. 13, line 1-col. 14, line 29, figure 2). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Logan to use the teaching as taught by Ming in order to restrict subscriber

access to the television programming (col. 1, line 63-col. 2, line 5), to reduce the

likelihood that unauthorized viewer will be able to view associated television program

(col. 14, lines 1-5) thereby improve security in data transmission.

Regarding claim 14, Logan further discloses video monitor (32) reads on the claimed

presenting section; and processors (34,62), database 60, filter 64 read on the claimed

controller (figure 3, col. 8, line 1-col. 10, line 3).

Regarding claims 15-17, the additional limitations as claimed correspond to the

additional limitation as claimed in claim 14, and are analyzed as discussed with respect

to the rejection of claim 14.

Regarding claim 18, Logan further discloses the receiver section receives the

announcement via a first communication connection (marking signals are received via

local communication system 38) and wherein the content streams are provided on a

second communication connection that is separate from the first communication section

(television programming signals are received via receiver 12 that is separate from the

local communication system 38 – figure 3, col. 6, line 50-col. 7, line 37).

Regarding claims 19-23, the additional limitations as claimed correspond to the additional limitation as claimed in claim 18, and are analyzed as discussed with respect to the rejection of claim 18.

Regarding claim 24, Logan further discloses the receiver section receives the announcement via the Internet (col. 6, lines 33-45) and wherein the content streams are provided on a communication connection (television programming signal are provided via antenna 14) that is separate from the Internet (Internet link via local communication system 38) – figure 3, col. 5, lines 19-29.

Regarding claim 25, Logan further discloses the receiver section receives the announcement via a telephone network (PSTN- col. 6, lines 33-45) and wherein the content streams are provided on a communication connection (television programming signal are provided via antenna 14) that is separate from the telephone network (telephone link via local communication system 38) – figure 3, col. 5, lines 19-29.

Regarding claim 26, Logan further discloses the content streams are provided on one of a cable television network, a television airwave broadcast and a satellite network (broadcast television signals are provided via cable, satellite – col. 5, lines 21-30) and wherein the receiver section receives the announcement via connection that is completely independent of the one or a cable television network, a television airwave broadcast and a satellite network (marking signals are received via local communication

system 38 that is completely independent of the communication network via receiver 12
– figure 3).

Regarding claim 29, Logan further discloses the receiver section receives the
announcement via a data network (via modem) and wherein the content streams are
provided on a communication connection (connection via receiver 12) that is separate
from the data network (figure 3; col. 5, lines 20-27; col. 6, lines 34-45).

5.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et
al. (US 5,892,536) in view of Ming et al. (US 5,710,815) as applied to claim 7 above,
and further in view of Menard et al. (US 6,061,056).

Regarding claim 8, Logan in view of Ming teaches a system as discussed in the
rejection of claim 7. Logan further discloses an IBM PC compatible computer
workstation executes a computer program that configures the workstation into the
editing station 42 – col. 7, lines 1-10). However, Logan does not explicitly disclose an
electronic signal processor includes video image process that queries by image content.

Menard et al. discloses a system for automatically monitoring broadcast, such as
television broadcasts, and detecting content of particular interest to individual viewer
comprising video capture 9, closed caption capture 10 and audio capture 11 wherein
the video or audio or closed caption of the television were captured and compared to

the stored data. If the captured data matches the stored data, the receiver receives an

alert that indicate on the screen. If a display has been requested, unit 417 cause unit

418 to start displaying the video, audio and closed caption (see figures 1 and 5).

Necessarily, Menard et al. teaches the electronic signal processor includes video image

processor that queries by image content. Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Logan in view of

Ming to use the teaching as taught by Menard et al. in order to capture the data

automatically thereby reduce labor cost at the editing station.

6.   Claim 8 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable

over Logan et al. (US 5,892,536) in view of Ming et al. (US 5,710,815) as applied to

claim 7 above, and further in view of Fernandez et al. (US 6,697,103).

Regarding claim 8, Logan in view of Ming teaches a system as discussed in the

rejection of claim 7. Logan further discloses an IBM PC compatible computer

workstation executes a computer program that configures the workstation into the

editing station 42 – col. 7, lines 1-10). However, Logan does not explicitly disclose an

electronic signal processor includes video image process that queries by image content.

Fernandez teaches the electronic signal processor includes video image processor that

queries by image content (controller 6 includes module visual 168 serves object image

queries and attempt to recognize, retrieve from image database... (col. 16, lines 52-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan in view of Ming to use the teaching as taught by Fernandez et al. in order to capture the data automatically thereby lower cost and improve accuracy in image (object) monitoring (col. 5, lines 52-60).

7.   Claims 27-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US 5,892,536) in view of Ming et al. (US 5,710,815) as applied to claim 1 above, and further in view of Birdwell et al. (US 6,108,706).

Regarding claim 27, Logan in view of Ming teaches a receiver as discussed in the rejection of claim 1. Logan further discloses the communication system 38 includes a telecommunication system for transmitting marking signal (col. 6, lines 34-45). However, Logan does not specifically disclose receiving announcement via a radio broadcast.

Birdwell teaches receiving announcements of a television programming signals via a second link such as radio network (col. 2, lines 6-15; col. 4, lines 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan in view of Ming to use the teaching as taught by Birdwell in order to provide the announcement to radio listener.

Regarding claim 28, Logan in view of Ming teaches a receiver as discussed in the rejection of claim 1. Logan further discloses the communication system 38 includes a

telecommunication system for transmitting marking signal (col. 6, lines 34-45). However,

Logan does not specifically disclose receiving announcement via a satellite broadcast.

Birdwell discloses unidirectional network includes satellite network (col. 3, lines 26-35)

and receiving announcements via unidirectional network (e.g. paging, radio network,

and cellular network) that is independent of the primary broadcast network (col. 4, lines

5-10; lines 36-39). Inherently, the announcement is received via a satellite broadcast.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Logan in view of Ming to use the teaching as taught by

Birdwell in order to provide quickly provide announcement to users.

Regarding claim 30, Logan in view of Ming teaches a receiver as discussed in the

rejection of claim 1. Logan further discloses the communication system 38 includes a

telecommunication system for transmitting marking signal (col. 6, lines 34-45). However,

Logan does not specifically disclose receiving announcement via physical transport of a

storage media.

Birdwell teaches receiving announcements via physical transport of a storage media

(storage at publicly accessible site on the network -col. 2, lines 12-17). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Logan in view of Ming to use the teaching as taught by Birdwell in order

to provide flexibility in time to access the announcement.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        Kalluri et al. (US 5,937,331) discloses protocol and system for transmitting

triggers from a remote network and for controlling interactive program content at a

broadcast station.

        Lett et al. (US 5,592,551) discloses method and apparatus for providing

interactive electronic program guide.

        P. Deborah Clark (US 5,311,423) discloses schedule management method.

        Block et al. (US 4,528,589) discloses method and system for subscription

television billing and access.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

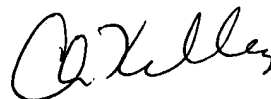than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Son P. Huynh whose telephone number is 571-272-

7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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